IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO.529 OF 2005

Smt.Kamla M. Bhambhani. ...Petitioner.
Vs.
Nutan Jeevan C. H. S. Ltd. ...Respondent.
....
Mr. A. M. Dube for the Petitioner.
Mr. M. R. Phal for the Respondent.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

July 20, 2005.

P.C.:

An application was made before the the Co-operative Appellate Court for a transfer of a dispute which was pending since 1974 from Co-operative Court No.II to Co-operative Court No.IV at Mumbai on the ground that this was an old matter and the record was not traceable. Though for sometime, Co-operative Court No.II was vacant, the President of the Co-operative Appellate Court has noted in his impugned order that the post has since been filled in. Hence, there was no reason to transfer the proceedings. Since the proceedings could not be traced, a

direction was issued for reconstruction of the record in the interests of justice. In the subsequent order of the Co-operative Appellate Court dated 22nd November 2004, it has been noted that the Trial Court has made all efforts to trace the record. However, the record could not be traced. In these circumstances, the direction in respect of the reconstruction of the record was justified and proper. No case for interference is made out. The petition is accordingly rejected.

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